

## Family sore over dead ethnic Indian being declared Muslim

The ethnic Indian family of a man who committed suicide in Malaysia is set to challenge the order of a Syariah court declaring him a Muslim and ordering his burial.

The dispute between the family of Elangesvaran Benedict, that claims he was a Hindu and the Islamic religious authorities was to be decided at the High Court here Friday afternoon.

But the religious authorities jumped the gun and obtained a declaration from an Islamic religious court in the morning, the New Straits Times said Saturday.

The Syariah court declared that the deceased, Elangesvaran Benedict, was a Muslim.

The matter was decided by the court despite the fact that Elangesvaran's wife, who had been named as a respondent in the case, was not present in the court.

The newspaper carried a photograph of an upset Elangesvaran's family who had gathered at the High Court in George Town.

Lawyer-lawmaker Karpal Singh and R.S.N. Rayer, who represented Elangesvaran's family, expressed outrage over the underhanded manner the case had been handled, the newspaper said.

They raised the matter with High Court judge Balia Yusuf Wahi when the case was heard in his chambers.

'We made it clear that it is not proper for them (the religious authorities) to have gone to the Syariah Court in the morning, knowing very well that this matter is going to be heard at the High Court in the afternoon,' said Karpal Singh.

'This is wrong and we are thinking of filing a contempt of court application against them.'

Earlier, Balia Yusuf dismissed the interim injunction sought by Elangesvaran's family to prevent the religious authorities from claiming his body from the Parit Buntar Hospital mortuary.

However, he also granted a stay which prohibits anyone from removing the body after Karpal Singh and Rayer said they would be filing for another injunction to restrain the religious authorities from getting the body.

The matter is set to be heard at the same court here on Monday.

The case involves Elangesvaran's family who are disputing the Perak and Penang states' religious departments' claims that he was a convert.

Elangesvaran, 34, committed suicide June 22 and his body was sent to the Parit Buntar Hospital for a post-mortem.

His family was later told they could not claim the body for burial as Elangesvaran was a Muslim convert.

They later filed a summons at the High Court here, claiming that Elangesvaran had always been a Hindu and had died as one.

They are now seeking to get back the body to be cremated according to Hindu rites, the newspaper said.

Ethnic Indians - Hindus, Muslims, Christians and Sikhs - numbering about 2.6 million, constitute an estimated eight percent of Malaysia's 28 million population.

Islam is practised by majority Malays and is the official religion, but Malaysia is not an Islamic state as per the constitution which guarantees freedom of religion to the minority denominations.

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